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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/549,509

10/21/2005

Kumar Venkateswara Vedantam

102790-197 (30086 US)

1348

27389 7590 10/27/2009
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EXAMINER

ASDJODI, MOHAMMAD REZA

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/549,509 | Applicant(s) VEDANTAM ET AL. | |
| | Examiner M. REZA ASDJODI | Art Unit 1796 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/18/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 08/18/09 has been entered.

This Office action is in response to Applicant's amendment filed 08/18/09. Applicant has cancelled claims 11, and 21. Currently, claims 1-10, and 12-20 remain pending in the application.

Claim Objections

Claims 6, 7, 14-19, and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6 states that: "A composition according to claim 1". The independent claim 1 recites process, or method, of preparation of a free flowing soli fragrance composition, and therefore do not further limit the method of preparation of this claimed composition. As a result, this is, similarly, true for the following dependent claims 7, and 14-19. The Office has construed claims 6 and 7 as a method claims with corresponding limitation for compositions.

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Claim 8 recites: "A method of providing a fragrance to a substrate according to claim 5.". The independent claim 5 recites "a solid composition", and therefore claim 8 fails to further limit the subject matter of claim 5

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

***A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.***

Claims 1-4, 9-10, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by King (US 5,041,421).

Regarding claims 1-4, 9-10, and 12-19, King teaches a method of preparation of free flowing solid fragrance providing composition (6: 55-63) comprising addition of fragrance to a particulate carrier materials such as silica, calcium silicate, sodium silicoaluminate (in any ratio); [3: 43-60], with the ratio of carrier (Si containing material) to water soluble salt (sodium chloride) being from 3-10%; [6: 60-63], with ratio of water soluble salt to fragrance being 20:1 to 100:1 with the option of more silicate for higher capacity of fragrance; [4: 59-64, 5: 1-15].

Regarding claim 20, King teaches a method of providing a fragrance to a substrate during washing or rinsing; [10: 37-40, claim 37].

Regarding claims 6-7, as applied to claim 1, King teaches a method for preparation of a fragrance providing composition wherein the ratio of particulate carrier (Si containing material) to water soluble salt (NaCl) is in the range of 3-10% ; [6: 60-63], and the ratio of water soluble salt to fragrance in the range of

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10:0.9 to 10:3 (which includes the claimed 8:1 to 5:1 range); [3: 59-61, 6: 60-63].

Note that : (salt/silicate) x (silicate/fragrance)= salt/ fragrance. The ratio of carrier (Si containing material) to water soluble salt (sodium chloride) being from 3-10%; [6: 60-63].

Claims 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by King (US 5,041,421).

Regarding claims 5, and 8, King teaches a free flowing solid fragrance providing composition consisting essentially of: a particulate carrier, on which a fragrance is deposited, and water soluble salts of alkaline metals (sodium chloride) by the percentage amount of more than 60% (salt); [4: 59-64], and more than 20% (carrier); [3: 59-61], wherein the claimed ratio of 20:1- 1.5:1 is anticipated (see also claim 2 rejection). King, also, teaches a method of providing a fragrance to a substrate during washing or rinsing; [10: 37-40, claim 37].

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

/M. R. A./
Examiner, Art Unit 1796
10/09/09